

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ALONSO RODRIGUEZ-DISARENO

a/k/a Veltran Flores

a/k/a Diego Herrera Gonzalez,

Defendant.

§ **CRIMINAL NO. A:09-CR-389-LY**

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FACTUAL BASIS

Had this case preceded to trial, the United States Attorney for the Western District of Texas was prepared to prove the following facts beyond a reasonable doubt:

1. Defendant Alonso Rodriguez-Disareno, also known as Veltran Flores, also known as Diego Herrera Gonzalez, an alien, was removed from the United States on March 24, 2009 from El Paso, Texas pursuant to an Order of Immigration Judge.
2. On July 15, 2009, Defendant was found by Immigration and Custom Enforcement officials in the Travis County Jail, which is within the Western District of Texas, following his arrest by local law enforcement.
3. Fingerprint and photograph comparisons performed by Immigration and Custom Enforcement confirm Defendant is the same person removed from the United States as previously described.
4. A search of the Department of Homeland Security's records database also confirms that Defendant did not obtain the consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission to the United States prior to his

re-entry.

That, in summary, would be the evidence presented by the United States.

Respectfully submitted,

JOHN E. MURPHY
ACTING UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2009, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court, using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Jose Gonzalez-Falla
Federal Public Defender's Office
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Austin, Texas 78701

/s/ GARTH R. BACKE
GARTH R. BACKE
Assistant United States Attorney